

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 12TH DAY OF NOVEMBER 2003, AT 7:15 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Larry N. Rush	-Chair
	Annette S. Perkins	-Vice Chairman
	Mary W. Biggs	-Supervisors
	Gary D. Creed	
	John A. Muffo	
	James D. Politis	
	C.P. Shorter	
	Jeffrey D. Johnson	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	Robert C. Parker	-Public Information Officer
	Vickie L. Swinney	-Secretary

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The Chair called the meeting to order and the Pledge of Allegiance was recited.

FIRE AND RESCUE APPRECIATION TO THE COUNTY ADMINISTRATOR

Chief Malvin Wells, Elliston Fire Department, and Chief Jimmy Epperly, Christiansburg Fire Department, on behalf of the Firefighters Association and the Rescue Association, presented a plaque of appreciation to Mr. Jeff Johnson, County Administrator. Mr. Wells expressed appreciation to Mr. Johnson for his dedication and commitment to the fire and rescue volunteers. Mr. Epperly also expressed his appreciation and commended the County Administrator on his leadership and accomplishments such as opening the door for communications between the Fire & Rescue members and county administration.

PUBLIC ADDRESS

Bill Ellenbogen commended the Planning Department staff for their excellent work. They helped him tremendously on his rezoning request and the development of the Coal Bank Ridge Subdivision.

DELEGATION

Montgomery County Social Services Annual Report and Strategic Plan

Social Services Board Chair Ann Hess and Social Services Director Linda Nisbett presented the Montgomery County Social Services Annual Report and Strategic Plan to the Board of Supervisors. Ms. Nisbet expressed appreciation for the past support from the Board and appealed for continued support.

ADDENDUM

On a motion by Mary W. Biggs, seconded by C.P. Shorter and carried unanimously, the following Addendum dated November 12, 2003 was added to the agenda:

INTO CLOSED MEETING

- (5) Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

1. Prospective Business

The vote on the foregoing motion was as follows:

AYE

John A. Muffo
Gary D. Creed
Annette S. Perkins
James D. Politis
C.P. Shorter
Mary W. Biggs
Larry N. Rush

NAY

None

CONSENT AGENDA

On a motion by James D. Politis, seconded by C.P. Shorter and carried unanimously, the Consent Agenda dated November 12, 2003 was approved.

The vote on the forgoing motion was as follows:

AYE

NAY

Mary W. Biggs None

C.P. Shorter

James D. Politis

Annette S. Perkins

Gary D. Creed

John A. Muffo

Larry N. Rush

Fire Program Fund Allocation

On a motion by James D. Politis, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2004, for the function and in the amount as follows:

23311 Fire Program Fund Distribution	\$36,332
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

424401	Fire Program Fund Distribution	\$36,332
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Said resolution appropriates funds received from the Fire Program Fund for use by volunteer fire departments.

Health Insurance Premiums/Flexible Spending Accounts

On a motion by James D. Politis, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2004 for the function and in the amount as follows:

110	County Administrator	\$ 6,387
120	County Attorney	3,186
130	Financial and Management Services	118
132	Insurance	10,650
140	Information Management Services	1,840
152	Commissioner of Revenue	10,814
162	Collections - 100% County	10,751
170	Registrar	3,879
180	Internal Services	1,624
200	Commonwealth Attorney	5,938
210	Circuit Court	1,677
250	Circuit Court Clerk - 100% County	12,144
320	Sheriff-County Support	126,066
400	General Services	43,676
520	Human Services	607
540	Social Services	60,184
700	Parks and Recreation	1,697
710	Regional Library	19,204
800	Planning and Inspections	13,292
810	Economic Development	4,475
890	Public Service Authority	<u>18,746</u>
	TOTAL	\$ 356,955

The source of the funds for the foregoing appropriation is as follows:

Revenue Account

451208	Designated Fund Balance-Trigon Proceeds	\$346,305
02 415104	Interest Income	<u>\$ 10,650</u>
	Total	\$356,955

Said resolution appropriates Trigon proceeds to cover health insurance premiums, County contributions to employees' flexible spending accounts and administrative fees for flexible spending accounts.

School Funds-Supplemental Appropriation

On a motion by James D. Politis, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the School Operating Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2004, for the function and in the amount as follows:

09	School Operating Fund	
	561000 Instruction	\$2,500
	564000 Operations and Maintenance	<u>3,375</u>
	Total	\$5,875

The sources of funds for the foregoing appropriation is as follows:

Revenue Account:

09 418993	Donations and Special Gifts	\$2,500
09 418910	Insurance Recovered Costs	<u>3,375</u>
	Total	\$5,875

Said resolution appropriates additional funds from a Dominion Foundation grant and from insurance recoveries.

Closure of Title I (ECIA) Fund and Transfer to School Operating Fund

On a motion by James D. Politis, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that a transfer is hereby authorized, as follows:

FROM:

Title I (ECIA) Fund		
451205	Designated Fund Balance	(\$65,155)

TO:

School Operating Fund		
61000	Instruction	\$65,155

Said resolution transfers funds from the Title I (ECIA) fund to the School Operating Fund.

Emergency Services Coordinator - Appropriate Grant Funds

On a motion by James D. Politis, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending

June 30, 2004, for the function and in the amount as follows:

111	Emergency Services Coordinator Grants	\$177,867
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

02111-424401 State Grants	\$95,000
02111-451203 Designated Fund Balance	<u>\$82,867</u>
Total	\$177,867

Said resolution appropriates Emergency Services Grant funds.

Coal Bank Ridge Subdivision - Final Plat

On a motion by James D. Politis, seconded by C.P. Shorter and carried unanimously,

WHEREAS, Coal Bank Ridge Subdivision consists of 45 lots located off Coal Bank Hollow Road (SR 649) and has been found to meet the requirements of the Montgomery County Code Chapter 8, Article IV (Subdivision Ordinance).

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby approves the Final Plat of Coal Bank Ridge Subdivision (Altizer, Hodges, & Varney Inc. Project No. 2002042 dated October 22, 2003), Mt. Tabor Magisterial District.

FURTHER, The Chairman is hereby authorized to sign said plat for recordation.

Brush Mountain West Phase 8 - Relocation of Public Utility and Drainage Easements

On a motion by James D. Politis, seconded by C.P. Shorter and carried unanimously,

WHEREAS, The Plat of Right-of-Way Vacation and Addition, Public Utilities and Drainage Easement Relocations for Lot 58 and Detention Pond Lot of Brush Mountain West Phase 8 for Tax Parcels 57-7-A and D requests the dedication and vacations of portions of right-of-way and the relocation of portions of 20' public utility and drainage easements on behalf of the landowner, Brush Mountain Estates LLC; and

WHEREAS, Section 15.2-2270 of the Code of Virginia, as amended, permits the Board of Supervisors to vacate and relocate right-of-way and public utility and drainage easements upon request of the landowners involved.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia does hereby approve the Plat of Right-of-Way Vacation and Addition, Public Utilities and Drainage Easement Relocations for Lot 58 and Detention Pond Lot of Brush Mountain West Phase 8 for Tax Parcels 57-7-A and D (Draper-Aden Associates Project No. 7557-01 dated April 17, 2003) in the Prices Fork Magisterial District).

FURTHER, The Chairman is hereby authorized to sign said plat for recordation.

OLD BUSINESS

Special Use Permit - Steve Critchfield - Family Subdivision

On a motion by John A. Muffo, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Steven Critchfield request for a Special Use Permit on a 4.294-acre tract in Agriculture (A-1), to allow an additional family subdivision of property in excess of the allowed divisions under sliding scale is hereby *denied*.

The property is located at the intersection of Meerkat Road and Den Hill Road, and is identified as Tax Parcel No. 68-A-148F (Acct ID # 080706) in the Shawsville Magisterial District. The property currently lies in an area designated as a Rural Area in the Comprehensive Plan.

The vote on the foregoing motion was as follows:

AYE

C.P. Shorter

James D. Politis

John A. Muffo

Mary W. Biggs

Gary D. Creed

Annette S. Perkins

Larry N. Rush

NAY

None

Motion was for denial.

NEW BUSINESS

Revisions to County Personnel Policies and Procedures

On a motion by Annette S. Perkins, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby approves and authorizes changes to the County Personnel Policies and Procedures dated October 27, 2003.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
James D. Politis	None
John A. Muffo	
Mary W. Biggs	
Gary D. Creed	
Annette S. Perkins	
C.P. Shorter	
Larry N. Rush	

INTO WORK SESSION

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

1. FY 2004-2005 Budget - Setting Priorities

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
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John A. Muffo None
Annette S. Perkins
Gary D. Creed
Mary W. Biggs
C.P. Shorter
James D. Politis
Larry N. Rush

The Assistant County Administrator made a presentation on the upcoming FY 2004-2005 Budget and what the Board of Supervisors may face in preparing the budget. To date, growth appears modest in most categories, therefore, revenue projections will be modest. There may be a potential for lost revenue in Merchant's Capital Tax if merchants decided to move their inventory, and lost revenue if the state reduces funding or refuses to allocate revenue generally provided to localities.

The Assistant County Administrator reviewed several categories of potential increase in the budget; 1) Debt Service Costs for the Courthouse Project; 2) Health Insurance Costs; 3) Increased costs for the Comprehensive Services Acts - mandated; 4) Increased costs to cover the increase in the VRS rates; and 5) Loss of money if state revenue is reduced.

The Assistant County Administrator requested Board members to forward any questions or priorities they may have with the upcoming budget.

Supervisor Biggs suggested the Board to review the ordinance for tax exemptions and deferrals for the elderly and handicapped. It is her understanding that the State cap for income limit and net worth is higher than the County's tax relief program. The last time the County reviewed the relief program for the elderly and disabled was in 1998. Supervisor Biggs would like for the County to be consistent with the State in order to provide relief to the elderly and disabled who are on fixed incomes.

The Assistant County Administrator stated that the Town of Blacksburg and Town of Christiansburg also offer a tax relief program and use the same limits as Montgomery County's ordinance. The two Towns have made their ordinances consistent with the County in order to reduce confusion among citizens. The Assistant County Administrator recommended that staff meet with the two Towns to review the tax relief program to obtain consensus on the increase in the income limits.

The Board, by consensus, authorized staff to set up meetings with the two Towns to review the ordinance for Tax Exemption and Deferrals for the Elderly and Handicapped.

OUT OF WORK SESSION

On a motion by C.P. Shorter, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return to Regular Session.

The vote on the foregoing motion was as follows:

AYE

Annette S. Perkins

Gary D. Creed

Mary W. Biggs

C.P. Shorter

James D. Politis

John A. Muffo

Larry N. Rush

NAY

None

COUNTY ATTORNEY'S REPORT

Delinquent Tax Collections

The County Attorney reported on the collection of delinquent taxes. 50 parcels were selected that total \$118,000 in delinquent taxes and were sent out notices which result in \$26,834 being collected. The County then proceeded with advertising the intent to seek judicial sale of real property for delinquent taxes which resulted in another \$3,683 being collected. The County filed Bill in Equity suits against the remaining 25 parcels and a total of \$8,756 was collected, which results in a total of \$41,143 that has been collected. To date, 18 existing Bill in Equity suits on 24 parcels will go forward seeking a combined \$72,823 in delinquent taxes plus costs. If payment on these 24 parcels are not collected then these properties will probably be advertised for auction in late winter or early spring.

COUNTY ADMINISTRATOR'S REPORT

Literacy Volunteers of America - New River Valley The County Administrator reported that a letter has been sent out to all jurisdiction being served by the Literacy Volunteers of America to see what they currently fund the Literacy Volunteers of America and if they are considering contributing additional dollars this year. The County Administrator will forward the information to the Board once it is received.

BOARD MEMBERS' REPORTS

Supervisor Biggs Virginia Association of Counties Supervisor Biggs attended the VACo Conference at the Homestead. She attended the Education Steering Committee meeting and informed the Board members if they wished to join a VACo Committee they needed to submit their request as soon as possible. The VACo Legislative Day is scheduled for February 12, 2004. She also brought back information on the Jamestown 2007 celebration. She asked if Montgomery County was going to participate in a program. The County Attorney reported that the Montgomery Museum expressed interest in writing a book on the history of Montgomery County.

Supervisor Shorter reported he has talked to the County Attorney regarding concerns with noise at the Radford Arsenal during testing of fireworks.

Norris Run Road - Supervisor Shorter requested VDOT be contacted about a damaged guardrail that needs to be replaced.

4H Award Ceremony - Supervisor Shorter attended the award ceremony held by the 4H on November 8, 2003. He stated the Montgomery County 4-H Livestock Team won either third or fourth in the State and will be going to the National Livestock Competition in Kentucky. The trip will cost a total of \$1,500 and believes they have only \$1,000. He requested the Board appropriate the remaining \$500.00. The Chair indicated this item will be added to the next agenda.

Supervisor Muffo reported he met with Dan Brugh regarding the Six Mile Loop in Ellett Valley. The next meeting is scheduled for November 14, 2003 with the Town of Blacksburg.

Supervisor Politis reported the Prices Fork Water Project is completed and the water is now coming from the Radford Arsenal.

Supervisor Perkins Mill Wood Lane Supervisor Perkins asked the status of VDOT repairing Mill Wood Lane in the Lusters Gate area. There are huge holes in the road. The County Administrator reported that VDOT has been contacted and will follow up to see when they are scheduled to repair the road.

Virginia Tech/Montgomery Regional Airport Authority - At the last Airport Authority meeting it was reported that the gas sales are up at the airport.

VACo Conference - Supervisor Perkins attended the VACo Conference. She reported the Resolutions Committee adopted the 2004 VACo Priority Resolution. Supervisor Perkins stated that VACo stressed the Tax Restructuring and Education Funding as "Over-Archiving Priorities". VACo supports recommendations to address the inadequacy of state funding for K-12 education and the need for tax restructuring. Supervisor Perkins distributed copies of the recommendations.

Supervisor Creed VACo Conference - Supervisor Creed attended the VACo Conference. At the meeting he attended, it was clear that the State budget does not look good for FY 2004-2005.

Supervisor Rush Veterans Day Parade Supervisor Rush reported the Veterans Day Parade was well received. The parade is hosted by the Christiansburg High School Social Studies Department and a reception was held for the veterans following the parade. Supervisor Rush thanked the Board for their contribution to the parade.

INTO CLOSED MEETING

On a motion by Annette S. Perkins, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

Section 2.2-3711 (7) Consultation with Legal Counsel and Briefings from Staff Members or Consultants Pertaining to Actual or Probable Litigation, Where Such Consultation or Briefing in Open Meeting Would Adversely Affect the Negotiating or Litigating Posture of the Public Body; and Consultation with Legal Counsel Employed or Retained by a Public Body Regarding Specific Legal Matters Requiring Provision of Legal Advice by Such Counsel

1. Christiansburg Utility Agreement

(5) Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

1. Prospective Business

The vote on the foregoing motion was as follows:

AYE

Annette S. Perkins

Gary D. Creed

Mary W. Biggs

C.P. Shorter

James D. Politis

John A. Muffo

NAY

None

Larry N. Rush

OUT OF CLOSED MEETING

On a motion by C.P. Shorter, seconded by Mary W. Bigggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Annette S. Perkins	None
Gary D. Creed	
Mary W. Biggs	
C.P. Shorter	
James D. Politis	
John A. Muffo	
Larry N. Rush	

CERTIFICATION OF CLOSED MEETING

On a motion by Mary W. Biggs, seconded by C.P. Shorter and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

James D. Politis
John A. Muffo
Mary W. Biggs
Gary D. Creed
Annette S. Perkins
C.P. Shorter
Larry N. Rush

NAYS

None

ABSENT DURING VOTE

None

ABSENT DURING MEETING

None

OTHER BUSINESS

Schedule Public Hearing - Boundary Line Adjustment Agreement with the Town of Blacksburg

On a motion by John A. Muffo, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby schedules a Public Hearing on Monday, December 15, 2003 at 7:15 p.m., Montgomery County Government Center, 755 Roanoke Street, Christiansburg, Virginia for the purpose of receiving comments on the Board of Supervisors' intent to enter into a Boundary Line Adjustment Agreement with the Town of Blacksburg providing for the adjustment of the boundary of the Town of Blacksburg's corporate limits to include approximately 17.5 acres of land located adjacent to Harding Avenue at the Northwest boundary of the Town, commonly known as the Price's Meadows and Hilltop Garden Subdivisions.

The vote on the foregoing motion was as follows:

AYE

NAY

James D. Politis None
John A. Muffo
Mary W. Biggs
Gary D. Creed
Annette S. Perkins
C.P. Shorter
Larry N. Rush

ADJOURNMENT

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously, the Board adjourned to Monday, November 24, 2003 at 6:00 p.m.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Annette S. Perkins	None
Gary D. Creed	
Mary W. Biggs	
C.P. Shorter	
James D. Politis	
John A. Muffo	
Larry N. Rush	

The meeting adjourned at 9:30 p.m.